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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,213	03/26/1999	YASUSI KOBAYASHI	FUJO-12.880A	3219

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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/09/2003

33

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,213

Applicant(s)

KOBAYASHI ET AL.

Examiner

Shick C Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2003 and 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 1-42, 45, 49-52 and 55-91 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43, 44, 46-48, 50, 53, 54, 94 and 95 is/are allowed.
- 6) ☒ Claim(s) 92 and 93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/17/03 have been fully considered but they are not persuasive.
2. Applicant's arguments with respect to claims 43, 44, 46-48, 50, 53, 54, and 92-95 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 92 is objected to because of the following informalities: In claim 92 lines 6-7, the words "a communication operating" seems to be a typo. If this is true, it is suggested changing "a communication operating" to ---a communication operation---. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 92 is rejected under 35 U.S.C. 102(b) as being anticipated by Milton et al.

Milton et al. disclose the switch station; which exchanges a packet with a predetermined format (see abstract, Fig. 2, and col. 2 line 64 to col. 3 line 10), comprising: a switch exchanging the packet (col. 1 lines 58-68); a control processor generating control information to control operations of this switch station (see Fig. 2, main controller 1 connected to the switch via control line 25 to the switch matrix 3); an intra-station device, provided (see Fig. 2 switch 2 and 31) within this switch station, performing a communication operating according to the control information from said control processor; and an interface unit converting a data format of the control

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information into a data format which said switch can exchange (col. 2 lines 21-35 and col. 5 lines 19-27); wherein the control information generated by said control processor is sent from said interface unit to said intra-station device through said switch after the data format of the control information is converted into the data format which said switch can exchange by said interface unit (col. 7 line 40 to col. 8 line 6 and Figs. 1-3).

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. in view of Gollub.

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Milton et al. disclose the switch station described in paragraph 6 of this office action.

Milton et al. did not recite the control information being communicated according to link access protocol as in claim 93.

Gollub teaches that it is known to provide the Packet Control Byte containing information for data link level control which conforms with the Link Access Protocol LAP-B as defined in the X.25 standard as set forth at col. 15 lines 28-47 in the field of digital and multiplex communications for the purpose of providing a Data Packet Format which provides both means for detecting data transmission errors and means for implementing retransmission when such errors are detected which clearly anticipate the control information being communicated according to link access protocol as in claim 93.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the control information being communicated according to link access protocol as taught by Gollub to the system of Milton et al. because Gollub teaches the desirable advantage of using the Link Access Protocol LAP-B as defined in the X.25 standard for implementing retransmission when errors are detected and said X.25 standard

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being desirable to achieve efficient system operation in Milton et al.

Allowable Subject Matter

9. Claims 43-44, 46-48, 50, 53, 54, 94, and 95 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haber et al. discloses a cordless printer control device.

Aoyama et al. disclose an apparatus having video display and display-synchronizing motion mechanism.

11. **Any response to this nonfinal action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

June 29, 2003

Seema S. Rao
SEEMA S. RAO 6/30/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600